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ABSTRACT

This paper gives an overview of censorship in Germany. The paper recognizes that between the human right and constitutional law of freedom of speech, art, and press on the one side and the social life of man which must be ensured on the other side, the right of free expression can clash with human dignity. It discusses which books, films, records, etc. are totally banned in Germany, and the reasons for this occurrence, noting that the main ground for book banning is Nazi propaganda. It also states that the restrictions on the publication and distribution of "suspicious material" in every genre of popular culture demonstrate the desire and the different and often subtle forms of governmental, religious, and social censorship. The book then suggests three books which focus on the media in Germany for further information about the structure, conditions, and function of censorship. (NKA)

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"Between Freedom of the Media and Intrusions of Censorship in German Popular Culture"

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"If liberty means anything at all, it means the right to tell people what they do not want to hear."

George Orwell, "Animal Farm" (unpublished introduction, quoted from: Geoffrey Robertson QC, "Freedom, the Individual and the Law", London 1993, Penguin Books, 7th Edition, p. xiii)

I hope my short lecture can give you an overview of censorship in Germany.

Every medium is a mirror of society. How we treat this mirror reveals us our current situation. Censorship can be understand as a kind of cultural regulation or repression and as a part of social control. Its function in a modern society is controversial disputed. In general it depends on the applying contemporary community standards; in particular it is according to the taste and character of individual readers and viewers. One person's obscenity is another person's bedtime reading.

The dictionary defines: A censor is one who supervises conduct and morals, examines objectionable materials and deletes contents considered sensitive or harmful. Censorship is restriction of medial expression (in printed words, film..).

The problem of where (if anywhere) you draw the line which material may offend or entertain, corrupt or enlighten, has been with us since the invention of printing.

Presumably no social system - even a democracy - can allow their members a total and absolute freedom of informational interchange. The degree of freedom, the difficult judgment between prohibition or permissible tolerance are permanently in change. Even today in the liberated time of postmodern anything goes the free flow of information especially of those the rulers meant to be harmful to minors or dangerous for the social stability are still to be controlled and regulated.

And of course some curbs are necessary. The own freedom has a borderline which is the freedom and the well-being of others, especially defenceless people and minorities. The examples of child pornography and fascistic propaganda should indicate the problematic demand for the total abolition of censorship. But in my opinion these things are no pieces of art but criminal acts.

There are two sides to everything: Between the human right and constitutional law of the freedom of speech, art and press on the one side and

the social life of man which must be ensured on the other side, the right of free expression, however, can clash with human dignity. Conservatives and liberals give different opinions of the value of the rights of free speech. In general the majority insists in restraining particular media contents.

The different forms in which censoring occurs reaches from self-censorship through blacking some parts up to the judical ban, distraint and confiscation of media objects. Even a lot of harmless comics as Disney's "Uncle Scrooge" are retouched by publishers to avoid letting allusions on violence take place. In the German Western Comic "Comanche - The long way to Laramie" are some panels blackened with big baloons.

Even if there do not exist a major institution of a pre-censorship in Germany, a lot of authorities watch the limits of liberty. The FSK, the German Board of Film Classification (a more or less voluntary check on oneself of the motion picture industry), gives on approval several ratings up to warning notices such as "Not to be sold to anyone under 18".

Above all, the courts and the "Bundesprüfstelle" (a federal office of examination what kind of media are liable to corrupt the young) can take action against disapproved objects by putting them on her index to prevent minors contact with contents suspected being harmful. A lot of laws do exist against literature and other media which tends to depraved or corrupt. Everybody can institute legal proceedings against dubious media objects at any youth welfare department. About 14,000 videos, books, comics, records, on-line contents and so on are restricted as been put on this index and therefore they are forbidden to minors. Most of these objects came from foreign countries, for example Bret Easton Ellis' "American Psycho", William S. Burroughs' "Naked Lunch", Dan Kavanagh's (Julian Barnes) "Duffy", Timothy Leary's "Politic of Ecstasy".

Additionally more than 500 books, films, records and so on are totally banned in Germany. The reasons for prohibition are varied, such as: Hard core pornography, glorification of violence, libel or hate speech (especially Nazi propaganda and the so called "Auschwitz lie").

The main ground for book banning in Germany is Nazi propaganda, and I think this exception to the right to freedom of speech is reasonable: About a hundred publications and records are forbidden for xenophobic incitement, right-wing extremism, race hatred, revanchistic theories of a jewish conspiracy, or because they questioned the Holocaust or the German war guilt. Also those

websites of Ernst Zündel ("Zundel-Sites"), who broadcasts from Toronto, are restricted in Germany. Beside real Neo-Nazi material every swastika is forbidden to shown in contextes like "Penthouse Comix". Because of some panels from Vol. 2, 1994 the hole issue was banned in Canada. Also in Germany it raised trouble but not on account of the sexuality but the swastika which had to be blackened with bars before import.

Moreover a lot of books from the US publishers "Paladin Press" and "Loompanics Unlimited" were seized by Canadian and German authorities for example "Get tough! How to win in hand-to-hand fighting" (by Cpt. Fairbairn, Paladin Press, Boulder, Colorado) and "The poisener's handbook" (by Maxwell Hutchkinson, Loompanics, Port Townsend, Washington 1988), although they were "sold for informational purposes only". Both books are banned in Germany since 1991 because of instruction to criminal offence.

But it's questionable to ban virtual reality artworks or the artifical fantasy world of the movies, the literature and comics. Concerning to the motion pictures, graphic violence is the main reason for prohibition: For example the following films are proscribed in Germany: "The Evil Dead" (Sam Raimi, USA 1980: This film is banned in Germany since 1984. The censors passed this film only in a cut version R-rated), "Halloween Part 2" (produced by John Carpenter), "Phantasm" (Don Coscarelli) and "Braindead" (Peter Jackson). Some confiscated records are: "Butchered at Birth" (Cannibal Corpse) because of violence, and "Eating Lamb" (by the US-Punk-Band NOFX, 1996) because of the shown sexual intercourse with an animal. The band issued two different versions of cover art. The LP version "Eating Lamb" by "NOFX" was banned in Germany in 1996 because of "bestiality" (sodomistic porn), the CD "Heavy Petting Zoo" not. Another example for different cover version is "Bloodthirst" by "Cannibal Corpse" (Metal Blade Records, Germany 1999). To prevent further bans the label creates two issues - one original artwork and one softened for the German market.

These tough regulations may result that most of the adults only films were cut before broadcasting on TV or video in the reason of the protection of young people ("gag law", USA).

In the USA viewers can use the V-chip, in Germany other kinds of surveillance do exist. To prevent a ban publishers can blacken the complained parts. Some records get different cover versions admitted to all and for adults only. A lot of computer games were toned down before distribution to avoid trouble. Especially the Internet stirs up irrational fears and threats the general

public because of the uncontrollable possibilities (one key word is "Cyberporn"). Anonymiosity and encryption technology could neutralize the ability to wiretap, to censor. The on-line service CompuServe were sentenced by a German court because the provider did not restrict obscene newsgroups. Years later the court reversed this verdict. To stop child porn, Neo-Nazis, hate speech and other illegal contents (for instance bomb-making-instructions, manuals on how to commit a murder...) the majority advocates censorship in the Internet. But rating systems and filtering or blocking software won't work effectively in the world wide web so long as different conceptions of legality but no general cyberlaw exist.

In which these interdictions were not called "censorship" at all, because this term recalls to a injustice regime which lays far beyond the self-assessment of a democratic society. Nevertheless a lot of threats to freedom do exist which are linguistic disguised perhaps as protection of young people or as prevention of moral decay. "Some would-be censors have made the news media scapegoats for a host of society's ills, including pornography and pedophilia, racism, national security breaches and ethnic conflicts", writes Marilyn Greene, the Executive Director of the World Press Freedom Committee. These censors choosed new code words to hide their real intentions. Some of these smart words are "self-regulation/-control", "decency", "protection from defamation" or "a code of ethics" of the press. Another reason is the protection of privacy (of the VIPs by injunctions).

The restrictions on the publication and distribution of suspicious material in every genre of popular culture demon-strates the desire and the different and often subtle forms of governmental, religious and social censorship. Not only govern-mental power persecutes and silences unpleasant statements. Even diverse pressure groups and the public opinion forces the social control and lay down the variable boundaries of the good taste, current taboos and the code of political correctness. They demonstrates often the loss of a sense of humour on matters of taste, decency and hallowed icons. It's a variable phenomenon of "Zeitgeist" and the changing of values.

On the other hand forbidden objects become rather fascinating to many fans, who wanna know what the state wants to suppress. For those inquisitive persons every index has even the function of an interesting shopping list with the special thrill of the taboo.

In my opinion censorship is for the most part an obsolete and undemocratic instrument of control. It's a strange fact that even adults were not allowed to

get many films, books and records. I think, to enlarge the media competence/ literacy and the power of discernment especially of the young people might be a better way to master the problems with deviant, disturbing or dangerous contents than to censor or ban them on the marketplace of ideas.

In the last century, Mrs. Patrick Campbell wrote: "It doesn't matter what you do in the bedroom as long as you don't do it in the streets and frighten the horses."

For further informations about the structure, conditions and function of censorship, I want to refer you to the following three books which focuses mainly the media in Germany and includes huge bibliographies:

Roland Seim, Josef Spiegel (Ed.): "Ab 18" - zensiert, diskutiert, unterschlagen. Beispiele aus der Kulturgeschichte der Bundesrepublik Deutschland' (Vol. 1), Münster 1995 (third edition), 321 pp., more than 150 illustrations and facsimiles, ISBN 3-933060-01-X, DM 29,80 ***(= $ 16.00 incl. postage)***

Roland Seim, Josef Spiegel (Ed.): 'Der kommentierte Bildband zu "Ab 18" - zensiert, diskutiert, unterschlagen - Zensur in der deutschen Kulturgeschichte' ["Ab 18" -Vol. 2], 301 pp., more than 400 ill. and facsimiles, ISBN 3-933060-02-8, DM 49,80 ***(= $ 26.00 incl. postage).***

'The annotated coffee-table book for "from 18 years up" - censored, discussed, suppressed - Censorship in German cultural history' **["Ab 18" - Band 2]**

This illustrated documentaries examines the reasons for censorship and the structure that such intrusions on the free speech can take. The annotated books show mainly examples from the media which are forbidden in the Federal Republic of Germany.

Edited by the art-historian (M.A.) and sociologist (Ph.D.) Roland Seim and the sociologist (Ph.D.) Josef Spiegel the books present each about 400 pictures and facsimiles of doubtful, discussed or banned products of the media in Germany. The reason for prohibition are varied: Pornography, harmfulness to minors, glorification of violence, offence under the Official Secrets Act and illegal political opinions are some of the main reasons to ban media in Germany.

These documentaries point out a lot of significant examples from diverse genres as literature, film, music, art, comic, satire and new media. The aim to restrict the publication and distribution of material on the internet especially demonstrates the desire of government to control its contends. The state tries to gain influence against unwanted expressions. A lot of different forms of censorship (mainly in Germany) will be explored.

These works contain additional disgressions into matters of political censorship and the fascination of banned material. Questions of how to undermine such interest into prohibited areas are raised and the author establishes the immense difficulties of governing bodies in judging between what can be tolerated and what is to be banned. He also demonstrates how the boundaries of the permissible are in a constant state of

change and aims to demonstrate the different (and often subtle) forms of governmental, religious and social censorship.

The right of free expression, however, can clash with human dignity. The examples of (child) pornography and fascistic propaganda should indicate the problematic demand for the total abolition of censorship.

The book contains an annotated bibliography and a list of important internet addresses for further research. The comparison demonstrates, that the loss of a sense of humour on matters of taste, decency and hallowed icons is a variable phenomenon of "Zeitgeist" and the changing of values.

"Between Freedom of the Media and Intrusions of Censorship". ***An examination of media and law sociological research on the influence of censorship on the popular culture of the Federal Republic of Germany.***

This study, which focuses mainly on examples from the media in the Federal Republic of Germany, examines the reasons for censorship and the structure that such intrusions on the free speech can take.

The thesis of the art-historian (M.A.) and sociologist (Ph.D.) Roland Seim consists of two main parts: The first lays down the historical-theoretical framework and examines the conditions of censorship on the basis of their legal foundations. This preoccupation of his research includes a summary of the history of censorship which will lead up to the position of post-war West Germany and a description of the role and function of the main institutions which executes censorship. The second part consists of a descriptive-empirical analysis and highlights such intrusions into free speech by pointing to significant examples from diverse genres as literature, film, music, art, comic, satire and new media. The aim to restrict the publication and distribution of material on the internet especially demonstrates the desire of government to control its contends. The state tries to gain influence against unwanted expressions. A lot of different forms of censorship (mainly in Germany) will be explored.

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The right of free expression, however, can clash with human dignity. The examples of child pornography and fascistic propaganda should indicate the problematic demand for the total abolition of censorship.

The thesis concludes with a comparative examination of some censorship laws in various European Countries and the United States. This international comparison demonstrates, that the loss of a sense of humour on matters of taste, decency and hallowed icons is not only a German phenomenon.

Roland Seim: Zwischen Medienfreiheit und Zensureingriffen (= Between Freedom of the Media and Censorship [...]), Münster/Germany 1998: Telos Verlag, PhD thesis ("magna cum laude") at the University of Münster 1997, germ. lang., 557 pp., english dissertation abstract, 70 ill., ISBN 3-933060-00-1, DM 59,80 ***(= $ 35.00 incl. postage).***

All books are vailable at:

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From: Roland.Seim@t-online.de
Sent: Monday, August 07, 2000 4:59 PM
To: sensenba@indiana.edu
Subject: Re: IGEL Conference / ERIC Submission

ERIC DOC

Dear Dr. Sensenbaugh,

to economize the mail costs I send you my IGEL text as an attachment.
The two paper copies and the requested form will follow by snail mail.
I would like to send free copies of our books on censorship for a book review.
Thank you very much for your efforts.
Best regards,
yours
Roland Seim

www.geocities.com/zensur2000